

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
MUNICIPAL COURTROOM
MUNICIPAL BUILDING
March 10, 2009**

1. Present

Commissioners:

Sherwood Bishop, Chair
Ryan Thomason, Vice-Chair
Bill De Soto
Bill Taylor
Curtis Seebeck
Allen Shy
Cecil Pounds
Jim Stark
Randy Bryan (absent)

City Staff:

Chuck Swallow, Director of Development Services
Francis Serna, Recording Secretary
Phil Steed, Planner
John Foreman, Planner
Andy Quittner, Assistant City Attorney
David McMillan, Building Official

2. Call to Order and Announce a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday March 10, 2009 in the Municipal Courtroom, Municipal Building of the City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Bishop welcomed the audience.

4. Executive Session

There were no discussions.

5. Citizen Comment Period

There were no citizen comments.

6. Consider a request to postpone the public hearings on Paso Robles (Carma Development) for the following:

a. PDA-08-03: A petition for a development agreement has been filed for entire site that addresses annexation, utility services, transportation, development standards, parkland and other project amenities accompanied with duties and responsibilities of the Developer, City, and Property Owners Association over the term of the Development Agreement.

b. LUA-08-12: Future Land Use Map Amendment from High Density Residential, Commercial, Industrial and Open Space to General Commercial (GC). Subject area includes: 60.294 acres east of Hunter Rd and south of Center Point Road.

c. PDD-08-03: Zoning Change from Very Low Density Residential – 1,278.29 acres to Mixed Use (MU) (856.8 acres) - 2.7 dwelling units per acre gross; General Commercial (GC) - 60.294 acres; Open Space 339.3 acres (open space parks, landscape buffers and easements); 25.8 acres Community Center / Club House; and 68.2 acres of R.O.W.

d. ZC-08-20: Zoning Change from Unzoned (UZ) with a future land use designation of very low density residential to 1290.10 acres to a base Zoning within the PDD of Mixed Use (MU) development that will allow commercial, retail, residential, office and other uses that may differ from uses typically allowed in the City's Mixed Use zoning districts.

e. ZC-08-21: Zoning Change from Unzoned (UZ) with future land use designation of high density residential, commercial, industrial and open space to a base Zoning category within the PDD zoning classification of General Commercial (GC) 60.294 acres that will allow commercial, retail, residential, office and other uses that may differ from uses typically allowed in the City's General Commercial (GC) zoning districts.
7. CUP-08-41. Hold a public hearing and consider a request by Brendan Hollier, on behalf of Chuy's, for a new Conditional Use Permit to allow the on-premise consumption of liquor, beer, and wine at an establishment located at 2810 S. IH. 35.

Chuck Swallow, Director of Development Services, explained that issues have not been resolved and that the applicant has requested that the items be postponed indefinitely. Mr. Swallow pointed out that the applicant has 90 days from the date of the 1st public hearing to address the issues or a new application will be required.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Taylor the Commission voted eight (8) for and none (0) opposed, to postpone PDA-08-03, LUA-08-12, PDD-08-03, ZC-08-20, and ZC-08-21 to a future date to be determined. The motion carried unanimously. Commissioner Bryan was absent.

7. PC-09-03(03). Consider a request by Encino Pointe, Ltd., on behalf of Reece Morrison, for approval of the final plat of Lot 1, Encino Pointe located at 1800 Post Road.

Phil Steed gave a brief overview of the staff report. Staff recommended approval of the final plat with the conditions that the applicant provide a 16 foot Electric Easement along the western property line, provide a 20 foot P.U.E. along the southern property line, replace City of San Marcos approval signature block with corrected block, and provide Park Land dedication or payment of fees in lieu of Park Land dedication as determined by the City of San Marcos Parks and Recreation Department.

MOTION: Upon a motion made by Commissioner Thomason and a second by Commissioner Seebeck the Commission voted eight (8) for and none (0) opposed, to approve the final plat with the conditions that the applicant provide a 16 foot Electric Easement along the western property line, provide a 20 foot P.U.E. along the southern property line, replace City of San Marcos approval signature block with corrected block, and provide Park Land dedication or payment of fees in lieu of Park Land dedication as determined by the City of San Marcos Parks and Recreation Department. The motion carried unanimously. Commissioner Bryan was absent.

8. Planning Issues:

- **Discuss clarification and amendments to the Land Development Code.**

Chuck Swallow advised the Commission that staff has proposed amendments to the Land Development Code. He introduced staff to give a brief overview of the amendments. Andy Quittner, Assistant City Attorney explained that he is revising the code to meet the new city's realignment and updating the names of the responsible officials. John Foreman gave an overview of Historic Preservation and Fences. Chuck Swallow pointed out that "Efficiency Apartment or Studio Unit" will be added to the Definitions of the Code. In addition, Mr. Swallow gave a brief overview of Sidewalks stating that the General Requirement for Sidewalks would include Fee in Lieu of Dedication.

The Commission briefly discussed the proposed amendments and expressed concerns regarding fence permit requirements. They suggested that "decorative fences" be more specific and that neighbors should be taken into consideration when unusual height and building materials are proposed. Chuck Swallow advised that staff would review specific zoning requirements for single family zoning districts and consider the types of materials proposed. He asked the Commission to submit additional comments and ideas to staff.

- **Discuss proposed Pro Rata Reimbursement of Water/Wastewater Infrastructure.**

Chuck Swallow provided the Commission with a handout that included elements of the proposed Pro-Rata Ordinance. He explained that the purpose of the proposed ordinance is to provide a method to reimburse a developer for cost of extending a water or sewer line to property past other benefiting properties. The Commission and staff briefly discussed the proposed Ordinance. The Commission suggested that the proposed 7 years that the pro-rata assessment is in effect should be changed to 10 years. The Commission inquired if the assessment can be collected at the time of permitting rather than the time of platting. The Commissioners were in support of the proposed Pro-Rata Reimbursement of Water/Wastewater Infrastructure Ordinance. Chuck Swallow advised the Commission that staff would take their comments and suggestions into consideration and that additional comments be provided to staff.

Planning Report

Chuck Swallow informed the Commission that two job vacancies have been posted. He stated that an "Assistant Director of Development Services – Planning" and a "Planner" position have been advertised.

Commissioners' Report

Chair Bishop announced that Sofia V. Nelson has also returned as a Temporary employee to assist with the work load. He added that he was happy to see that Sofia has returned to work with the Planning Department.

Francis Serna told the Commission that Sofia Nelson will be working on Monday, Wednesday and Friday to assist current staff with their work load. She added that Sofia Nelson was employed with the City for a couple of years prior to her resignation.

Chair Bishop added that City Council has reconsidered Purgatory Creek. The City Council approved the request by a 4-3 vote with conditions.

Andy Quittner advised the Commission that the TABC Variance to distance requirements from a church or school will need to be revisited. He explained that the City Council approved the Ordinance for one year with the understanding that the Ordinance may be reinstated if there have been no issues. The Commission agreed to have the Ordinance placed on a future agenda for a recommendation to City Council.

9. Consider approval of the minutes from the Regular Meeting of February 24, 2009.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Thomason, the Commission voted eight (8) for, zero (0) opposed, to approve the Regular Meeting Minutes of February 24, 2009 with corrections. The motion carried unanimously. Commissioner Bryan was absent.

10. Questions and answers from the Press and Public.

There were no questions from the press and public.


11. Adjournment

MOTION: Upon a motion made by Commissioner Thomason and second by Commissioner Seebeck, the Commission voted eight (8) for and none (0) opposed, to adjourn the regular meeting of the Planning and Zoning Commission at 7:20 p.m. on Tuesday, March 10, 2009. The motion carried unanimously.


Sherwood Bishop, Chair


Bill DeSoto, Commissioner


Ryan Thomason, Vice Chair


Bill Taylor, Commissioner


Cecil Pounds, Commissioner


Jim Stark, Commissioner


Curtis Seebeck, Commissioner


Allen Shy, Commissioner

ATTEST:


Francis Serna, Recording Secretary